

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. C-11-38
	§	
JOSE MARIA CARBAJAL JR	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(A); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant is substantial. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by: (1) the proffer of the government that the defendant has a prior drug conviction which subjects him to enhancement of his sentence to a twenty-year minimum prison term; (2) the testimony of Agent Gamboa regarding the defendant's involvement with Mexican gang members; and (3) the proffer of defense counsel regarding the availability of a solvent co-surety. The defendant is a convicted felon who nevertheless keeps firearms at his residence, and is a

regular user of marihuana and cocaine. Furthermore, the defendant is involved with assisting Mexican Zeta gang members who are attempting to harm members of law enforcement and their families. He is a poor bond risk.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 25th day of January, 2011.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE